

California Regional Water Quality Control Board,
San Diego Region

**NOTICE OF PROPOSED SETTLEMENT OF ADMINISTRATIVE CIVIL
LIABILITY AGAINST THE CITY OF ESCONDIDO FOR VIOLATIONS
ALLEGED IN COMPLAINT NO. R9-2005-0265**

OPPORTUNITY FOR PUBLIC COMMENT

WRITTEN COMMENTS DUE JULY 26, 2006

PUBLIC HEARING ON AUGUST 16, 2006

On August 16, 2006 the Regional Water Board will consider an offer by the City of Escondido to settle proposed civil liability for violations alleged in Complaint No. R9-2005-0265 for \$1,152,150, of which the City will pay \$690,000 and be released from payment of \$462,150 on condition that the City undertakes specified actions. Complaint No. R9-2005-0265 recommends imposition of civil liability in the amount of \$1,797,150 against the City of Escondido for multiple alleged violations of Orders Nos. 93-70; 96-31, as amended; 99-72; and R9-2003-0394; the alleged violations included 393 effluent limit violations subject to mandatory minimum penalties (MMP) under section 13385 of the Water Code; the remainder of the alleged violations were subject to discretionary administrative civil liability (ACL). The proposed settlement also would include a release of \$645,000 in liability for alleged violations subject to MMP that the City asserts would be exempt from MMP under defenses applicable to MMP violations.

Regulations of the U.S. Environmental Protection Agency require a reasonable opportunity for public participation in any proposed settlement of the civil liability resulting from violation of requirements governing the discharge of pollutants from point sources to waters of the United States subject to the federal Clean Water Act and the National Pollutant Discharge Elimination System regulations. Accordingly, interested persons will be given 30 days from June 27, 2006, to submit written comments on the proposed settlement.

A detailed description of the settlement agreement is available on the Regional Water Board website at www.waterboards.ca.gov/sandiego or can be obtained by contacting Rebecca Stewart at (858) 467-2966 or by email at Rstewart@waterboards.ca.gov.

Written comments on this matter received after 5:00 P.M. on July 26, 2006 will not be considered by the Regional Water Board. Written material should be submitted to the Regional Water Board's office located at 9174 Sky Park Court, Suite 100, San Diego, California 92123. If the submitted written material is more than 5 pages or contains foldouts, maps, etc., 20 copies must be submitted for distribution to the Regional Water Board members and staff, and for distribution to the public at the Regional Water Board meeting. E-mail comments on this matter will be accepted and provided to the Regional Water Board as long as the

total submittal (including attachments) does not exceed five printed pages in length and they are received by July 26, 2006. E-mail comments on the proposed settlement should clearly indicate their relation to the proposed Escondido settlement and should be sent to: RStewart@waterboards.ca.gov.

The August 16, 2006 Regional Water Board Meeting will be held at 9:00 a.m. at the San Diego Regional Water Quality Control Board Office at the address noted above.

John H. Robertus
Executive Officer

June 27, 2006